

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
MC ALLEN DIVISION**

Mc Allen Grace Brethren Church, Native	§	
American New Life Center, San Antonio	§	
Indian Fellowship; South Texas Indian Dancers	§	
Association; Linda Cleveland, Individually;	§	
Michael Cleveland, Individually; Edith Clark,	§	
Individually and as council member of Native	§	
American New Life Center; William Clark,	§	
Individually, and as member of Native American	§	
New Life Center; Kathryn Dodd, Individually	§	
and as member of Native American New Life	§	CIVIL NO. 7:07-CV-060
Center and South Texas Indian Dancers	§	
Association; Carrie Felps, Individually; Homer	§	
Hinojosa, III, Individually and as member of	§	
Mc Allen Grace Brethren Church, San Antonio	§	
Indian Fellowship, and South Texas Indian	§	
Dancers Association; Nancy Hollingworth, as	§	
member of Native American New Life Center;	§	
Lucian Oden, as member of San Antonio Indian	§	
Fellowship; Xavier Sanchez, as member of San	§	
Antonio Indian Fellowship; and Pastor Robert	§	
Soto, Individually, and on behalf of Mc Allen	§	
Grace Brethren Church, Native American New	§	
Life Center, San Antonio Indian Fellowship,	§	
and South Texas Indian Dancers Association,	§	
	§	
Plaintiffs,	§	
V.	§	
	§	
U.S. Attorney General, AlbertoGonzalez; U.S.	§	
Secretary of Dept. of Interior, Dirk Kempthorne;	§	
U.S. Fish and Wildlife Service (USFWS), Dir. H.	§	
Dale Hall; U.S. Chief of the Office of Law	§	
Enforcement (OLE) for the USFWS, Kevin R.	§	
Adams; Special Agent in Charge, OLE, Region	§	
Two, USFWS, Benjamin Tuggle; Special Agent	§	
in Charge, OLE, Region Two, USFWS, Richard	§	

McDonald; U.S. Attorney, So. Dist. of Texas,	§
Donald J. DeGabrielle, Jr.; Resident Special	§
Agent in Charge, USFWS Office of Criminal	§
Investigation, Gary Young; U.S. Field Solicitor,	§
Martin Steinmetz,	§
Defendants.	§

**MOTION FOR LEAVE TO AMEND COMPLAINT (UNOPPOSED)**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiff Mc Allen Grace Brethren, et. al., hereby respectfully moves the Court for leave to file an AMENDED COMPLAINT, a copy of which is attached hereto.<sup>1</sup> These amendments are necessary due to the lapse of time since this cause was first filed in March of 2007. The AMENDED COMPLAINT removes all defendants except the U.S. Department of Interior, Ken Salazar in his official capacity. The AMENDED COMPLAINT adds two Plaintiffs to the case name who were included in the original complaint, but were left off the heading. These Plaintiffs are Michael Russell and Veronica Russell. The AMENDED COMPLAINT removes Plaintiff Kathryn Dodd as she is now deceased. The AMENDED COMPLAINT changes the title by removing “for declaratory relief”. The AMENDED COMPLAINT removes the Count regarding a fourth amendment violation and its relevant language and maintains all other allegations of the original complaint. The AMENDED COMPLAINT updates the administrative process followed by Plaintiffs Soto and Russell since the filing of this cause. The AMENDED COMPLAINT updates statistics and any changes in case law. Counsel for plaintiffs has conferred with counsel for the defendants and is authorized to state that the original defendants do not oppose this motion.

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<sup>1</sup> Rule 15 provides that a party may amend its pleadings once as a matter of course at any time before a responsive pleading is served; “otherwise, a party may amend the party’s pleading only by leave of court...and leave shall be freely given when justice so requires.” Fed. R. Civ. P. 15. As a Defendant has filed responsive pleadings, leave of Court is required.

DATE: March 23, 2012

Respectfully submitted,

/s/ Marisa Y. Salazar

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ATTORNEY IN CHARGE FOR PLAINTIFFS  
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Dr. Milo Lone-Eagle Colton, Regional Counsel  
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San Antonio, Texas 78201  
Telephone: 210-334-5209  
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### **CERTIFICATE OF SERVICE**

This is to certify that on March 27, 2012, the attached Motion for Leave to File First Amended Complaint for Declaratory Relief with attachments was filed electronically. Notice of the filing will be sent to all parties by operation of the Court's electronic filing system, including the Counsel listed below. Parties may access this filing through the Court's system.

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**Attorney for Defendants**

/s/Marisa Y. Salazar  
Attorney for Plaintiffs